

REMARKS

By this amendment, claims 1-6, 8-15, and 17-20 are pending, in which claims 1, 6, 8, 15, and 17 are currently amended, claims 7 and 16 are canceled without prejudice or disclaimer, and no claims are withdrawn or newly presented. No new matter is introduced.

The Office Action mailed March 9, 2005 rejected claims 1-9 and 19 under 35 U.S.C. § 101, claims 6 and 15 under 35 U.S.C. § 102(b) as anticipated by *Chang et al.* (U.S. 5,870,753), and claims 1, 4, 7-10, 13, and 16-20 as obvious under 35 U.S.C. § 103(a) based on *Chang et al.* in view of *Mueller et al.* (U.S. 6,584,612). Claims 2-3, 5, 11-12 and 14 were indicated as allowable if rewritten. The rejections are respectfully traversed because neither *Chang et al.* alone nor in combination with *Mueller et al.* disclose, teach, or otherwise suggest the limitations of the claims.

Applicants acknowledge with gratitude the indication of allowable subject matter.

Independent claims 1 and 6 have each been amended to recite a “computer implemented method” and thus the rejection under 35 U.S.C. § 101 is rendered moot.

Chang et al. is directed to a method and apparatus for maintaining “multiple metastates for a persistent object without increasing the size of the object reference” (Abstract; col. 2:13-15). To do this, *Chang et al.* discloses providing each persistent object with a key 78 (FIG. 7) that is used to index a reference data table in server memory 80, which includes a pointer 77 to a persistent object 72. The persistent object 72 itself encapsulates the persistent object’s state 73' along with a filename 71' indicating where to retrieve the state 73' from persistent storage 74' (see generally, FIG. 7 and col. 5:5-20). In FIG. 20 and accompanying text in col. 13:5-20, *Chang et al.* details a flowchart in which if the object is not in memory (step 264) it is reactivated in memory (steps 266-272).

Regarding the anticipation rejection, amended independent claims 6 and 15 recite, “storing, within said class object, data for locating instances of recreatable objects associated with said class, wherein said data includes a pointer to an XREF pointers array.”

Independent claims 1 and 10 each recite, at least, “locating an XREF pointers array based on data cached within the context structure.”

In its obviousness rejections, for example, of claims 1 and 7, the Office Action states:

However, Chang does not teach an XREF pointer array. Chang teaches a table contains pointer instead (See Fig. 7). Mueller teaches implementing a table or array to store information in a computer system (the utility program ... the resource length; col. 7, lines 56-61)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Chang and Mueller because it shows alternative method to implement program in the software program.

However, this sweeping assumption clearly has not considered the reasons why *Chang et al.*’s object reference 76 specifies a key 78 that has been generated by the server 70. (col. 5: 6-9) The key 78 is used for lookup of items in different tables, for example, a reference data table in memory 90, and a reference data table in persistent storage 92. (col. 5: 37-52) The key 78 is generated by the server when it is requested to make a particular object persistent, and can be used by that server to uniquely identify the object associated with the key. (col. 5: 60 – col. 7: 2) This type of functionality would be lost if a “pointer to an XREF pointers array” were to be somehow substituted for the key 78, thus rendering *Chang et al.* unsatisfactory for its intended purpose. Any use of an “XREF pointers array” in lieu of the tables of *Chang et al.* would render *Chang et al.* unsatisfactory for its intended purpose. If a proposed modification would render the prior art being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Further, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of

the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). MPEP § 2143.01

Moreover, it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 218 USPQ 769 (Fed. Cir. 1983). A prior art reference must be considered in this entirety including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

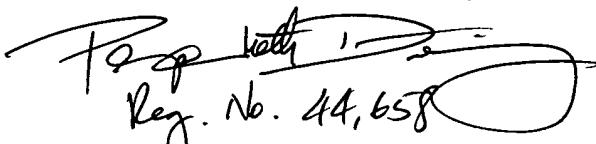
Thus the rejection of claims 6 and 15, and the obviousness rejection of claims 1, 4, 7-10, 13, and 16-20 should be withdrawn.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-425-8501 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date



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